APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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SHOOK, HARDY & BACON L.L.P.
2555 GRAND BOULEVARD
KANSAS CITY, MO 64108-2613

EXAMINER
SHORTLEDGE, THOMAS E

ART UNIT	PAPER NUMBER
2654	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/829,273	MYERS ET AL.
	Examiner	Art Unit	
	Thomas E Shortledge	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL.**　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-60* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-60* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date *6/10/2002*.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 2, 22, and 42 are objected to because of the following informalities: the

claims state that one template is a set of templates. The examiner has interpreted this

to read one template belongs to a set of templates. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1-60 are rejected under 35 U.S.C. 102(b) as being anticipated by

Rapaport et al. (5,926,526).

As to claims 1, 21, and 41, Rapaport et al. teach:

a computer system containing a computer-readable medium containing

instructions for controlling a computer system (a computer system containing a

processor and a computer-readable medium, col. 4, lines 20-26; it would be inherent

that the computer-readable medium contained instructions for controlling the computer

system);

receiving a medical test result (medical information) for a type of medical test

(medical information or bulletins are created and provided to the system , col. 9, lines

48-49);

identifying at least one template (bulletin) associated with the medical test (the

bulletin is identified by the bulletin code number supplied, col. 9 lines 52-53);

selecting the template matching the medical test result (the bulletin is identified

by the bulletin code number supplied, col. 9 lines 52-53; it would be inherent that the

bulletin would be selected to match the corresponding medical information supplied by

the medical professional);

outputting a plain language explanation based on the selected template (Table A

contains plain language explanations based on different selectable templates, col. 10,

lines 40-66).

As to claims 2, 22, 42, Rapaport et al. teach one template is a set of templates

associated with the type of medical test (Table A contains sets of bulletins that belong to

the same group of bulletins, such as T1, T2, and T3, and P1 and P2, col. 10, lines 40-

66).

As to claims 3, 23, and 43, Rapaport et al. teach each template of the identified

set corresponds to a range of medical test results (Table A, contains sets of bulletins,

and within each set of bulletins, there are specific bulletins for different test result

ranges, col. 10, lines 40-66).

As to claims 4, 24, and 44, Rapaport et al. teach determining a template

corresponding to the range encompassing the medical test result (the medical

professional can select from a list of pre-recorded bulletins, the correct corresponding

bulletin based on the range of the medical result, col. 9, lines 63-67, and 10, lines 40-

66).

As to claims 5, 25, and 45, Rapaport et al. teach each template of the identified

set corresponds to a medical test result value (Table A comprises sets of bulletins

where the individual bulletins are based on the result from the medical test, col. 10, lines

40-66).

As to claims 6, 26, and 46, Rapaport et al. teach the selecting step includes the

template corresponding to the medical test result value (the medical professional is able

to select the correct message from a list of pre-recorded bulletins, col. 9, lines 48-55,

and line 67, through col. 10 line 2; it would be inherent that this step would include the

template corresponding to the medical test result value).

As to claims 7, 27, and 47, Rapaport et al. teach the step of determining if the

medical test result will be interpreted by a clinician (a step where, if the medical

professional wishes, the system will allow the medical professional to add an 'on-the-fly' bulletin, col. 10, lines 22-24; it would be inherent that the 'on-the-fly' bulletin could contain interpretations by a clinician).

As to claims 8, 28, and 48, Rapaport et al. teach the selecting step includes receiving clinician input, the input matching the medical test result to a template (the medical professional is able to select for each medical test a corresponding bulletin, col. 50-55, and col. 10, lines 40-66).

As to claims 9, 29, and 49, Rapaport et al. teach the step of recording the input of the clinician ('on-the-fly' bulletins are recorded by the medical professionals, col. 10, lines 22-24).

As to claims 10, 30, and 50, Rapaport et al. teach receiving patient information and comparing the patient information against a list of patients having authorization to receive the medical test result (a patient enters his identification number, along with a password, then the system gives the patient access to their mailbox, col. 7 lines 48-57).

As to claims 11, 31, and 51, Rapaport et al. teach the selected template includes at least one placeholder (Table A, contains bulletins with placeholders, such as C1 and C2, and 1P2, 1G1, and 1G2, col. 10, lines 40-66).

As to claims 12, 32, and 52, Rapaport et al. teach the step of inserting data into the selected template at the placeholder (Table A, contains bulletins with placeholder, where data may be inserted, col. 10, lines 40-66; it would be inherent that there would be a step of inserting data in the placeholder).

As to claims 13, 33, and 53, Rapaport et al. teach the data is a numerical value for the medical test result (within Table A, bulletin C1 and C2 contain data that is a numerical value, col. 10, lines 40-66).

As to claims 14, 34, and 54, Rapaport et al. teach the step of determining whether the selected template can be sent directly to a patient (the medical provider is able to select if the corresponding bulletin is to be sent to the patient of if not, an 'on-the-fly' bulletin is to be made and sent, col. 9, line 63 though col. 10, line 2, and col. 10, lines 22-24).

As to claims 15, 35, and 55, Rapaport et al. teach the outputting includes a message to a storage unit adapting the selected template for viewing via a web browser (an output device can be an internet device, col. 5, lines 11-13; it would be inherent that outputting to an internet device would include storing the message in a storage unit, and viewing the message with a web browser).

As to claims 16, 36, and 56, Rapaport et al. teach the outputted plain language explanation is textual, (the output can be an email, col. 5, lines 11-14).

As to claims 17, 37, and 57, Rapaport et al. teach the outputted plain language explanation is audible, (the output can be voice via a telephony circuit, col. 5, lines 1-2 and 11).

As to claims 18, 38, and 58, Rapaport et al. teach the plain language explanation is delivered by an automated phone system, (the output can be via a telephony circuit, col. 5, lines 1-2).

As to claims 19, 39, and 59, Rapaport et al. teach the plain language explanation is delivered by a wireless device (the output can be a wireless communication device, col. 5, lines 11-13).

As to claims 20, 40, and 60, Rapaport et al. teach the step of distributing the test results to a physician for review prior to the step of outputting a plain language explanation based on the selected template (the medical provider is able to review the test results and add an 'on-the-fly' message further describing the result, col. 9, lines 48-55, and col. 10, lines 22-24).

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Keene (5,325,294), Puchek et al. (6,728,341), Johnson et al.

(5,664,109), Karpf (5,915,240), Mahran (6,581,038), Roberts (6,601,055), Pinsky et al.

(5,513,101), Cohen (6,014,626), Duensing et al. (5,465,378), Moshfeghi et al.

(6,216,104), and Singer (6,304,848).

Keene teaches allowing patients to access their medical test results and history.

Garcia teaches providing medical test results to the patient over the telephone.

Puchek et al. teach monitoring and communicating with a patient through a

phone system.

Johnson et al. teach automatically removing medical test results and storing the

data in a document database.

Karpf teaches allowing a patient to access the medical history through a

computer over a network.

Mahran teaches automatically profiling a patient to provide a patient with their

medical information.

Roberts teaches a system for explaining the diagnosis of a medical test.

Pinsky et al. teach a system for interpreting a radiological image.

Cohen teaches monitoring a patient through a telephone, where the patient is

able to receive their medical records, through a series of questions.

Duensing et al. teach generating a report through an audible input.

Moshfeghi et al. teach delivering patient records and stored message through

numerous delivery vehicles.

Singer teaches storing and creating medical records, and providing these records

to a user.

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Thomas E Shortledge whose telephone number is

(703)605-1199. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Talivaldis Smits can be reached on (703)306-3011. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER

TS
12/06/2004